

**IN THE SUPREME COURT  
OF THE REPUBLIC OF VANUATU**  
*(Civil Jurisdiction)*

**Matrimonial  
Case No. 18/2483 SC/MTRM**

**BETWEEN: Yolanda Silas George**  
*Applicant*

**AND: Collen Meltesalet**  
*Respondent*

**Date of SHOW CAUSE:** *17th day of March, 2021 at 10:00 AM*  
**Before:** *Justice Oliver Saksak*  
**In Attendance:** *Mr Lent Tevi for the Claimant*  
*Mr Henzler Vira for Defendant*

---

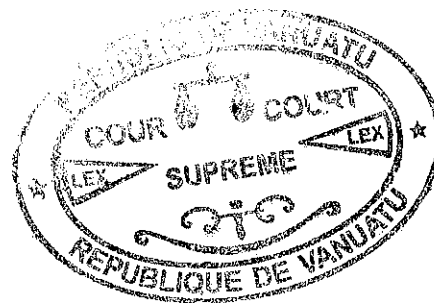
**JUDGMENT**

---

1. This is a claim for custody of Maria Trisha George and for an order granting a right of access to the respondent.
2. The claim is undefended by the respondent.

**Facts**

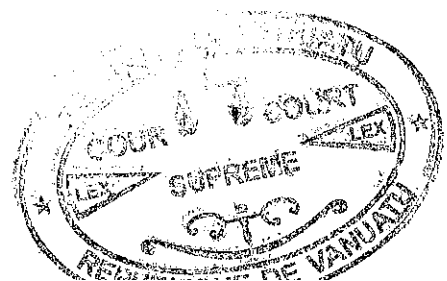
3. From 2015 to 2017 the applicant and respondent lived together in a defacto relationship. Maria Trisha George was born on 9<sup>th</sup> December 2017. She was born prematurely as a result of an assault on the applicant by the respondent. The respondent left the applicant at the end of December 2017.
4. The child Maria was cared for by her mother for 8 months. When she was well enough the respondent approached the applicant and with her consent he took the child away to his parents on Malekula.
5. Both parties had agreed that the respondent would return Maria to the applicant prior to her first birthday on 9<sup>th</sup> December 2018.



6. The respondent did not return Maria as agreed. And he has continued to keep Maria to date, despite numerous demands by the applicant herself and her solicitor.
7. She seeks the return of her child and for full custody or rights of access.

**Evidence**

8. The applicant supports her claim with her sworn statement filed on 16<sup>th</sup> May 2019 and that of Raymond George filed on the same date.
9. The respondent has not filed any defence but has accepted that Maria should be returned to the applicant for custody, provided that the applicant pays travelling costs of the child and her grandmother from Malekula to Port Vila and the grandmother's return.
10. Mr Vira had no instructions as to access but suggested this be subject to requests by the respondent.
11. Currently Mr Vira informed the Court the respondent is overseas on the seasonal work scheme. It is not known when he would be returning to Vanuatu.
12. It is well recognized and settled that in cases of this nature the rights and welfare of the child is of paramount consideration.
13. It is apparent the respondent has failed seriously to return the child for her first birthday in 2018. And he has not returned her to her mother since. He had breached their mutual agreement or arrangement.
14. He has gone overseas for seasonal work and has left the child with her grandmother. It has been almost 4 years since. And there is no evidence from the respondent that the child's welfare and interests are well catered for.




**The Result**

15. Under the circumstances I enter judgment for the applicant/petitioner.
16. I grant the following orders-
- (a) The applicant has full custody of the child Maria Trisha George until the age of 18 years.
  - (b) The applicant shall, within 28 days from today, arrange for Maria Trisha George and her grandmother to travel over to Port Vila, and shall pay their respective travel costs.
  - (c) The applicant shall pay for the return travelling of the grandmother to Malekula.
  - (d) Access to the child Maria by the respondent shall be by way of requests on mutually agreed terms.
  - (e) There be no order as to costs. Each party bears its own costs.

**DATED at Port Vila this 17th day of March, 2021.**

**BY THE COURT**

.....  


**Oliver Saksak**

**Judge**

